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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,274	12/02/2003	KUO-CHIANG CHEN	20.2894	1273
	7590 04/04/200 GER OILFIELD SERV		EXAM	INER
200 GILLINGHAM LANE MD 200-9			AURORA, REENA	
SUGAR LAND, TX 77478			ART UNIT	PAPER NUMBER
			2862	
			MAIL DATE	DELIVERY MODE
			04/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
Office Action Summary	10/707,274	CHEN ET AL.			
,	Examiner	Art Unit			
The MAILING DATE of this communication	Reena Aurora	2862			
The MAILING DATE of this communication Period for Reply	m appears on the cover sheet w	un the correspondence address			
A SHORTENED STATUTORY PERIOD FOR F WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 of after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory. Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUN CFR 1.136(a). In no event, however, may a on. period will apply and will expire SIX (6) MO statute, cause the application to become A	CATION. reply be timely filed NTHS from the mailing date of this communic BANDONED (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on	19 December 2007				
· <u> </u>	This action is non-final.				
3) Since this application is in condition for a		tors prospertion as to the morif	te ie		
closed in accordance with the practice ur	•	• •	13 13		
closed in accordance with the practice di	idei Ex parte Quayle, 1955 C.I	7. 11, 433 O.G. 213.			
Disposition of Claims					
4)⊠ Claim(s) <u>31 - 37 and 61</u> is/are pending in	the application.				
4a) Of the above claim(s) is/are wi	• •				
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>31 - 37 and 61</u> is/are rejected.					
7) Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction a	and/or election requirement				
and dusposition rections.	and, or olookon roquilomonik				
Application Papers					
9)☐ The specification is objected to by the Exa	aminer.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the o	correction is required if the drawing	g(s) is objected to. See 37 CFR 1.1	21(d).		
11) The oath or declaration is objected to by t	·	• • •	• /		
Priority under 35 U.S.C. § 119					
		C 440/-) /-l\ -:: /£\			
12) Acknowledgment is made of a claim for fo	reigh priority under 35 U.S.C.	3 119(a)-(d) or (i).			
a) ☐ All b) ☐ Some * c) ☐ None of:					
	1. Certified copies of the priority documents have been received.				
2. Certified copies of the priority docu					
	3. Copies of the certified copies of the priority documents have been received in this National Stage				
	application from the International Bureau (PCT Rule 17.2(a)).				
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
1) Notice of References Cited (PTO-892)	4) Interview	Summary (PTO-413)			
2) Notice of Draftsperson's Patent Drawing Review (PTO-94	18) Paper No	(s)/Mail Date			
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5)	Informal Patent Application			
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Art Unit: 2862

DETAILED ACTION

This communication is in response to amendment received on 12/19/07.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 31 - 37 and 61 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 - 7 of U.S. Patent No. 6,933,726. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the patent are broader than and encompass the boundaries of the claims of the instant application.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Reena Aurora

/Reena Aurora/ Primary Examiner, Art Unit 2862